



070 0130 SECTOR R# 030  
443  
0500 9-1898

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent Application of Herz et al.

Docket No.: 6099/008

Serial No.: 09/024,278

Examiner: Unknown

Filed: February 17, 1998

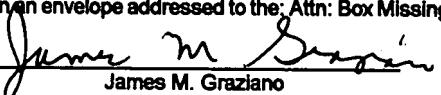
Group Art Unit: 2711

For: **BROADCAST DATA DISTRIBUTION  
SYSTEM WITH ASYMMETRIC  
UPLINK/DOWNLINK BANDWIDTHS**

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Attn: Box Missing Parts, Assistant Commissioner for Patents and Trademarks, Washington, DC 20231.

8 JULY 1998  
Date

  
James M. Graziano

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Attn: Box Missing Parts  
The Assistant Commissioner For Patents  
Washington, DC 20231

Dear Sir:

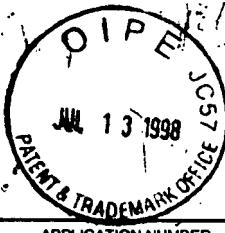
In response to the Notice To File Missing Parts Of Application dated April 20, 1998, Filing Date Granted (a copy of which is enclosed), the executed Declaration is enclosed, along with executed Verified Statement Claiming Small Entity Status. Also enclosed please find check No. 5253 In the amount of \$65.00 covering the Surcharge for a Small Entity filing of Missing Parts.

No fees beyond the above referenced surcharge are believed due. However, if further fees are due in this matter, the Commissioner is authorized to charge deposit account 04-1697.

Respectfully submitted,  
DUFT, GRAZIANO & FOREST, P.C.

By: 

James M. Graziano  
1790 - 30th Street, Suite 140  
Boulder, Colorado 80301  
(303) 449-9497



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------

09/024,278 02/17/98 HERZ

F 6099/008

0372/0420

NOT ASSIGNED

JAMES M GRAZIANO  
DUFT, GRAZIANO & FOREST  
1790 30TH STREET SUITE 140  
BOULDER CO 80301-1018

2711

DATE MAILED:

04/20/98

### NOTICE TO FILE MISSING PARTS OF APPLICATION

*Filing Date Granted*

04/20/98

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

*If all required items on this form are filed within the period set above, the total amount owed by applicant as a*  
 *small entity (statement filed)*  *non-small entity is \$ 130*

1. The statutory basic filing fee is:  
 missing.  
 Insufficient.

*Applicant must submit \$ 130 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*

2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

*Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.*

3. The oath or declaration:

is missing or unexecuted.  
 does not cover the newly submitted items.  
 does not identify the application to which it applies.  
 does not include the city and state or foreign country of applicant's residence.

*An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.*

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

*An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.*

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

*See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."*

9. OTHER: \_\_\_\_\_

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

*A copy of this notice MUST be returned with the reply.*

*Patricia A. Helmsen, AIA*  
Customer Service Center

Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/20/1998 MSG/RDM  
00000037 090248 00 00

01 FC:205